

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 18, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-19671 - APPLICANT: ADVANCE GROUP, INC. DBA
RAPID CASH - OWNER: NELLIS OWENS 48, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. A Waiver from LVMC Title 19.04 is hereby approved, to allow an Auto Title Loan establishment to be located 130 feet from a residential use where 200 feet is the minimum distance required.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for an auto title loan establishment and a Waiver to allow a distance separation of 130 feet from a residential use where a minimum of 200 feet is required at 5067 East Owens Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/22/07	The Planning Commission voted 6-0-1/sd to recommend APPROVAL (PC Agenda Item #47/rl).

<i>Related Building Permits/Business Licenses</i>	
12/29/99	Business Licenses C05-00445-B-3217 for Tobacco Dealer-Retail, C15 463 3217 for Convenience Store, and L10 124 542 for Beer/Wine/Cooler off-premise sales issued to Seven Eleven convenience store on the subject site. Out of Business effective 03/22/04.
06/06/02	C20-20827-111 for Convention Hall Gaming Tax and G01-20884-111 for Gaming Restricted issued to United Coin Machine Company to operate within Seven Eleven convenience store on the subject site. Out of Business effective 03/22/04.
06/22/05	Active Business License T18-67061-23284 for Voice Data Sales issued to Wireless Venture Partners Inc. on the subject site. This business is no longer operating on the premises.
01/11/05	Building permit L-0551-05 issued to T-Mobile for interior remodel of the subject site.
06/24/05	Building permit L-1318-05 issued to T-Mobile for 20-foot pole sign on the subject site.

<i>Pre-Application Meeting</i>	
01/19/07	A pre-application meeting was held and items discussed included the requirements for a Project of Regional Significance, the distance separation requirement from a residential use, and the standards for handicapped parking spaces as pertain to this request for a Special Use Permit.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.36

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Retail	SC (Service Commercial)	C-2 (General Commercial)
North	Retail	Unincorporated Clark County	Unincorporated Clark County
South	Undeveloped	SC (Service Commercial)	C-2 (General Commercial)
East	Service Station, Retail	Unincorporated Clark County	Unincorporated Clark County
West	Parking Lot, Approved Child Care	SC (Service Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance	X		Y

This request is a Project of Regional Significance, due to the proximity to a boundary with Unincorporated Clark County. An Environmental Impact Assessment was submitted as part of the Special Use Permit applications and sent to affected agencies for comment. No comments were received at the time of writing of this report.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	15,611 SF	Y
Min. Lot Width	100 Feet	112 Feet	Y
Min. Setbacks			
• Front	20 Feet	32 Feet	Y
• Side	10 Feet	4 Feet	N*
• Corner	15 Feet	60 Feet	Y
• Rear	20 Feet	40 Feet	Y

Min. Distance Between Buildings	NA	NA	NA
Max. Lot Coverage	50 %	15%	Y
Max. Building Height	NA	17 Feet	Y
Trash Enclosure	Screened, 50 Feet from residential	Screened, 124 Feet	Y
Mech. Equipment	Screened	Screened	Y

The building within which the subject business is proposed was constructed at an unknown time and remodeled in 1979, prior to the adoption of this setback requirement.

Pursuant to Title 19.10, the following parking standards apply:

As stated in Title 1718, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Title Loan	2,400 SF	1:250 SF	10				
SubTotal			9	1	11	1	
TOTAL (including handicap)			10		12		Y

Waivers		
Request	Requirement	Staff Recommendation
Distance separation of 130 feet from a residential use.	200 Foot Distance Separation	Denial

ANALYSIS

- Zoning**

The subject site is currently zoned C-2 (General Commercial). The Auto Title Loan use is permitted in C-2 (General Commercial) with the approval of a Special Use Permit. This application, if approved, will satisfy this requirement.

- **Use**

An Auto Title Loan is defined by Title 19 as a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself. An Auto Title Loan establishment such as the one proposed is also permitted to provide services such as payday loans and check cashing typically associated with the Financial Institution, Specified or Check Cashing, Limited uses which fall below Auto Title Loan in the use hierarchy. An Auto Title Loan establishment may not provide the services of Auto Pawn or Pawn Shop establishments which are considered more intensive uses.

- **Conditions**

Title 19.04.050 lists the following conditions for the Auto Title Loan use, adopted by City Council April 21, 2004:

1. The use shall comply with all applicable requirements of Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in Title 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).
7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to lines of fee interest parcels and not leasehold parcels.

The proposed Auto Title Loan fails to meet condition #7 as it is located only 130 feet from a protected use where a 200-foot distance separation is required. A waiver from this condition would be required as a condition of approval for this request. As this proposed Auto Title Loan establishment cannot be approved without a waiver to the distance separation requirement, staff recommends denial of this application.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Auto Title Loan use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, as the subject site fails to meet the required distance separation requirements between an Auto Title Loan establishment and residential uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the type and intensity of the proposed land use as it is located only 130 feet from a residential use where a 200-foot minimum distance separation is required.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site is at the intersection of Nellis Boulevard and Owens Avenue, two Primary Arterials as defined by the Master Plan of Streets and Highways, and; therefore, adequate to meet any demands resulting from the proposed Special Use Permit.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Due to the proximity of the proposed Special Use to existing residential property, the site in question is inconsistent with the public welfare and the overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed Special Use does not meet all applicable conditions per Title 19.04 as a Waiver has been requested to allow this use only 130 feet from an existing residential parcel where a minimum distance separation of 200 feet is required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 14

SENATE DISTRICT 2

NOTICES MAILED 112 by City Clerk

APPROVALS 0

PROTESTS 0